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6 **BEFORE THE**
7 **BOARD OF REGISTERED NURSING**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2011-510

11 **ASHLEY ANNE FREEMAN**
12 **220 Ladera Street, Apt # 308**
13 **Santa Barbara, CA 93101**
14 **Registered Nurse License No. 557619**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondent.

15 **FINDINGS OF FACT**

16 1. On or about December 10, 2010, Complainant Louise R. Bailey, M.Ed., RN, in her
17 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
18 Consumer Affairs, filed Accusation No. 2011-510 against Ashley Anne Freeman ("Respondent")
19 before the Board of Registered Nursing.

20 2. On or about July 28, 1999, the Board of Registered Nursing ("Board") issued
21 Registered Nurse License No. 557619 to Respondent. The Registered Nurse License was in full
22 force and effect at all times relevant to the charges brought herein and will expire on July 31,
23 2011, unless renewed.

24 3. On or about December 10, 2010, Respondent was served by Certified and First Class
25 Mail copies of the Accusation No. 2011-510, Statement to Respondent, Notice of Defense,
26 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
27 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions
28

1 Code section 136, is required to be reported and maintained with the Board. Respondent's
2 address on record with the Board was and is:

3 220 Ladera Street, Apt # 308
4 Santa Barbara, CA 93101.

5 4. Service of the Accusation was effective as a matter of law under the provisions of
6 Government Code section 11505, subdivision (c) and Business & Professions Code section 124.

7 5. The aforementioned documents were not returned by the U.S. Postal Service.

8 6. Government Code section 11506 states, in pertinent part:

9 (c) The respondent shall be entitled to a hearing on the merits if the respondent
10 files a notice of defense, and the notice shall be deemed a specific denial of all parts
11 of the accusation not expressly admitted. Failure to file a notice of defense shall
12 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
13 may nevertheless grant a hearing.

14 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
15 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2011-
16 510.

17 8. California Government Code section 11520 states, in pertinent part:

18 (a) If the respondent either fails to file a notice of defense or to appear at the
19 hearing, the agency may take action based upon the respondent's express admissions
20 or upon other evidence and affidavits may be used as evidence without any notice to
21 respondent.

22 9. Pursuant to its authority under Government Code section 11520, the Board finds
23 Respondent is in default. The Board will take action without further hearing and, based on the
24 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
25 as well as taking official notice of all the investigatory reports, exhibits and statements contained
26 therein on file at the Board's offices regarding the allegations contained in Accusation No. 2011-
27 510, finds that the charges and allegations in Accusation No. 2011-510, are separately and
28 severally true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and
Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
and Enforcement is \$545.00 as of January 4, 2011.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Ashley Anne Freeman has subjected her Registered Nurse License No. 557619 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case.:

a. **Disciplinary Action by the Illinois Department.** Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct in that Respondent was disciplined by the Department of Financial and Professional Regulation of the State of Illinois ("Illinois Department"). The circumstances surrounding the disciplinary action are as follows:

i. On or about September 9, 2008, pursuant to the Order issued by the Illinois Department, in the disciplinary action entitled *Department of Financial and Professional Regulation of the State of Illinois v. Ashley Anne Freeman License No. 041-343067*, the Illinois Department indefinitely suspended Respondent's Registered Professional Nurse license for a minimum of twelve months. The basis for the order is as follows:

ii. On or about August 14, 2007, Respondent entered into an Agreement of Care, Counseling, and Treatment, ("Agreement") with the Illinois Department which became effective September 7, 2007.

iii. The conditions of the Agreement required Respondent to comply with the terms and conditions of the Aftercare Agreement with the Illinois Professionals Health Program.

iv. Under the terms of the Agreement, Respondent understood and expressly agreed that any violation of Paragraph A, C, or F would result in the Indefinite and Immediate Suspension of Respondent's Illinois Registered Professional Nursing license.

v. Paragraph C of the Agreement stated in pertinent part: "Respondent's self reporting of a relapse...shall be considered a positive screen."

vi. Paragraph F of the Agreement stated in pertinent part: “Respondent shall make the primary care and/or treating physician aware of her addiction. Respondent shall provide documentary evidence to the Department of any controlled substance prescribed by a primary care and/or treating physician.”

vii. On July 14, 2008, Respondent notified the Illinois Department that she had been using the medications Norco and Xanax prescribed by a treating physician who was unaware of her substance abuse disorder.

b. **Unprofessional Conduct.** Respondent is subject to disciplinary action under Code section 2761, subdivision (a), in that Respondent committed acts of unprofessional conduct. The conduct is more particularly described in paragraph 3, subparagraph (a), subparagraphs (i) through (vii) inclusive, above, and herein incorporated by reference.

ORDER

IT IS SO ORDERED that Registered Nurse License No. 557619, heretofore issued to Respondent Ashley Anne Freeman, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on April 7, 2011

It is so ORDERED March 8, 2011

Jeanne K. Reeves
 FOR THE BOARD OF REGISTERED NURSING
 DEPARTMENT OF CONSUMER AFFAIRS

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. *2011-510*

11 **ASHLEY ANNE FREEMAN**
12 **220 Ladera Street, Apt # 308**
13 **Santa Barbara, CA 93101**
Registered Nurse License No. 557619

A C C U S A T I O N

14 Respondent.

15 Complainant alleges:

16 **PARTIES**

17 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
18 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
19 Consumer Affairs.

20 2. On or about July 28, 1999, the Board of Registered Nursing issued Registered Nurse
21 License Number 557619 to Ashley Anne Freeman ("Respondent"). The Registered Nurse
22 License was in full force and effect at all times relevant to the charges brought herein and will
23 expire on July 31, 2011, unless renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
26 Department of Consumer Affairs, under the authority of the following laws. All section
27 references are to the Business and Professions Code ("Code") unless otherwise indicated.
28

1 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline
2 any licensee, including a licensee holding a temporary or an inactive license, for any reason
3 provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4 **STATUTORY PROVISIONS**

5 5. Section 118, subdivision (b) of the Code provides, in pertinent part:

6 “(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
7 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
8 order of a court of law, or its surrender without the written consent of the board, shall not, during
9 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
10 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
11 provided by law or to enter an order suspending or revoking the license or otherwise taking
12 disciplinary action against the licensee on any such ground.”

13 6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
14 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
15 licensee or to render a decision imposing discipline on the license.

16 7. Section 2761 of the Code provides, in pertinent part:

17 "The board may take disciplinary action against a certified or licensed nurse or deny an
18 application for a certificate or license for any of the following:

19 (a) Unprofessional conduct, which includes, but is not limited to, the following:

20 ...

21 (4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary
22 action against a health care professional license or certificate by another state or territory of the
23 United States, by any other government agency, or by another California health care professional
24 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
25 action...”

26 **COST RECOVERY**

27 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
28 administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Disciplinary Action by the Illinois Department)**

5 9. Respondent is subject to disciplinary action under Code section 2761, subdivision
6 (a)(4), on the grounds of unprofessional conduct in that Respondent was disciplined by the
7 Department of Financial and Professional Regulation of the State of Illinois ("Illinois
8 Department"). The circumstances surrounding the disciplinary action are as follows:

9 10. On or about September 9, 2008, pursuant to the Order issued by the Illinois
10 Department, in the disciplinary action entitled *Department of Financial and Professional*
11 *Regulation of the State of Illinois v. Ashley Anne Freeman License No. 041-343067*, the Illinois
12 Department indefinitely suspended Respondent's Registered Professional Nurse license for a
13 minimum of twelve months. The basis for the order is as follows:

14 a. On or about August 14, 2007, Respondent entered into an Agreement of Care,
15 Counseling, and Treatment, ("Agreement") with the Illinois Department which became effective
16 September 7, 2007.

17 b. The conditions of the Agreement required Respondent to comply with the terms
18 and conditions of the Aftercare Agreement with the Illinois Professionals Health Program.

19 c. Under the terms of the Agreement, Respondent understood and expressly agreed
20 that any violation of Paragraph A, C, or F would result in the Indefinite and Immediate
21 Suspension of Respondent's Illinois Registered Professional Nursing license.

22 d. Paragraph C of the Agreement stated in pertinent part: "Respondent's self
23 reporting of a relapse...shall be considered a positive screen."

24 e. Paragraph F of the Agreement stated in pertinent part: "Respondent shall make the
25 primary care and/or treating physician aware of her addiction. Respondent shall provide
26 documentary evidence to the Department of any controlled substance prescribed by a primary
27 care and/or treating physician."

28 f. On July 14, 2008, Respondent notified the Illinois Department that she had been

1 using the medications Norco and Xanax prescribed by a treating physician who was unaware of
2 her substance abuse disorder.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct)**

5 11. Respondent is subject to disciplinary action under Code section 2761, subdivision
6 (a), in that Respondent committed acts of unprofessional conduct. The conduct is more
7 particularly described in paragraph 10, subparagraphs (a) through (f) inclusive, above, and herein
8 incorporated by reference.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Registered Nursing issue a decision:

12 1. Revoking or suspending Registered Nurse License Number 557619, issued to Ashley
13 Anne Freeman;

14 2. Ordering Ashley Anne Freeman to pay the Board of Registered Nursing the
15 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
16 Professions Code section 125.3;

17 3. Taking such other and further action as deemed necessary and proper.
18
19

20 DATED: December 10, 2010

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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